

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

LG 16 DOE,

Plaintiff,

COMPLAINT

vs.

THE DIOCESE OF BUFFALO, N.Y.
195 Main Street
Buffalo, New York 14203

SS COLUMBA-BRIGID, f/k/a ST. ANN'S
476 Emslie Street
Buffalo, New York 14204

Defendants.

Plaintiff, above named, by his attorneys, LIPSITZ GREEN SCIME
CAMBRIA LLP, for his Complaint against Defendants, allege:

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST
DEFENDANTS, ABOVE NAMED, HEREIN,
PLAINTIFF ALLEGES AS FOLLOWS:**

1. Plaintiff, LG 16 DOE, is a resident of the State of North Carolina.
2. This action is commenced pursuant to the provisions of the New York Child Victims Act.
3. At the time of the incidents set forth herein, Plaintiff, LG 16 DOE, (hereinafter referred to as "THE CHILD 16") was an infant having been born in 1977.
4. Upon information and belief, at all times herein mentioned, Defendant, THE DIOCESE OF BUFFALO, N.Y., was and still is a domestic not-for-profit corporation duly organized and existing under and by virtue of the laws of the State of New York and

maintains an office for the transaction of business located within the County of Erie and State of New York.

5. Upon information and belief, at all times herein mentioned, Defendant, SS COLUMBA-BRIGID, f/k/a ST. ANN'S, is located at 476 Emslie Street, Buffalo, New York 14204, was and still is a not-for-profit religious organization duly organized and existing under and by virtue of the laws of the State of New York, operating by and through Defendant, THE DIOCESE OF BUFFALO, N.Y., and maintains an office for the transaction of business located within the County of Erie and State of New York.

6. Defendants, THE DIOCESE OF BUFFALO, N.Y., and SS COLUMBA-BRIGID, f/k/a ST. ANN'S are hereinafter referred to as "THE ROMAN CATHOLIC CHURCH."

7. THE ROMAN CATHOLIC CHURCH owned, operated, maintained and controlled a religious institution and school, as well as surrounding property located at 476 Emslie Street, hereinafter referred to as 'THE ROMAN CATHOLIC SCHOOL,' located in Buffalo, New York.

8. Upon information and belief, at all times herein mentioned, John Curtin, (hereinafter referred to as "THE CHILD MOLESTER") was hired and employed by THE ROMAN CATHOLIC CHURCH as assistant principal at THE ROMAN CATHOLIC SCHOOL.

9. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER, was acting as an agent, employee or representative of Defendants, THE ROMAN CATHOLIC CHURCH.

10. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER was under the direction, supervision and control of

Defendants, THE ROMAN CATHOLIC CHURCH.

11. Beginning in or about 1988, and continuing through 1989, THE CHILD MOLESTER sexually assaulted and committed battery upon THE CHILD 16 at THE ROMAN CATHOLIC SCHOOL, a property owned, operated, maintained and controlled by the defendant, THE ROMAN CATHOLIC CHURCH.

12. The sexual crimes by THE CHILD MOLESTER herein were willful, malicious and intentional and resulted in injury to THE CHILD 16.

13. As a direct result of conduct by THE CHILD MOLESTER as described herein, THE CHILD 16, has suffered, and continues to suffer great physical and emotional pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, flashbacks, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, was prevented and will continue to be prevented from performing daily activities and obtaining full enjoyment of life, and has incurred and will continue to incur expenses for medical psychological treatment, therapy and counseling.

14. This action falls within one or more of the exceptions set forth in CPLR §1602.

15. As a result of the foregoing, THE CHILD 16, has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

16. As a result of the foregoing, THE CHILD 16, claims punitive damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST
DEFENDANTS, ABOVE NAMED, HEREIN,
PLAINTIFF ALLEGES AS FOLLOWS:**

17. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "16" of this Complaint with the same force and effect as if fully set forth herein.

18. Upon information and belief, Defendant, THE ROMAN CATHOLIC CHURCH, trained, hired, selected and approved THE CHILD MOLESTER as a representative at THE ROMAN CATHOLIC SCHOOL, placing him in a position to commit sexual crimes against CHILD 16.

19. Defendant, THE ROMAN CATHOLIC CHURCH knew or reasonably should have known of the propensities of THE CHILD MOLESTER to commit acts of sexual crimes, battery, rape and other sexual offenses against THE CHILD 16.

20. Upon information and belief, prior to the incident set forth herein, Defendant, THE ROMAN CATHOLIC CHURCH was aware and was otherwise on actual notice that a number of its employees, were sexually abusing and/or sexually assaulting and/or molesting and/or raping children.

21. Defendant, THE ROMAN CATHOLIC CHURCH, failed to warn and/or disclose to THE CHILD 16 and/or the parents of THE CHILD 16 of the danger THE CHILD MOLESTER posed to THE CHILD 16.

22. Defendant, THE ROMAN CATHOLIC CHURCH, failed to warn and/or disclose to THE CHILD 16 and/or the parents of THE CHILD 16 of the danger its employee posed to THE CHILD 16 and other children.

23. Upon information and belief, the aforesaid incidents and

resultant injury and damages to THE CHILD 16, were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH in the training, hiring, selecting and assignment of THE CHILD MOLESTER.

24. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD 16 and other children.

25. As a result of the foregoing, THE CHILD 16, has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST
DEFENDANTS, ABOVE NAMED HEREIN,
PLAINTIFF ALLEGES AS FOLLOWS:**

26. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "25" of this Complaint with the same force and effect as if fully set forth herein.

27. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD 16, were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH, in the retaining of THE CHILD MOLESTER.

28. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD 16 and other children.

29. As a result of the foregoing, THE CHILD 16 has sustained general and special damages in an amount which exceeds the jurisdictional limits of all

lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION
AGAINST DEFENDANTS, ABOVE NAMED, HEREIN,
THE PLAINTIFF ALLEGES AS FOLLOWS:**

30. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "29" of this Complaint with the same force and effect as if fully set forth herein.

31. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD 16 were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH in supervising THE CHILD MOLESTER.

32. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH constitute reckless disregard for the safety of THE CHILD 16, and other children.

33. As a result of the foregoing, THE CHILD 16 has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiffs demand judgment against Defendants, either jointly or severally, in the First, Second, Third and Fourth Causes of Action in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and for such other, further or different relief as the Court may deem just and proper, together with the costs and disbursements of the action.

DATED: Buffalo, New York
October 30, 2019

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 

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